

JEFFERSON COUNTY COMMISSIONERS
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KEN WEBER, CHAIR

CHUCK NOTBOHM

TOM LYTHGOE

**PROCEEDING OF THE BOARD OF COMMISSIONERS
COUNTY OF JEFFERSON, STATE OF MONTANA
November 5, 2008**

Present: Commissioners Lythgoe, Notbohm and Weber; Joe Carter, Road/Solid Waste Supervisor; Dave Kirsch

MINUTES

Commissioner Weber moved to approve the minutes of September 30. Commissioner Lythgoe seconded. The motion carried.

Commissioner Weber moved to approve the minutes of October 7. Commissioner Notbohm seconded. The motion carried.

Commissioner Weber moved to approve the minutes of October 14. Commissioner Notbohm seconded. The motion carried.

CALENDAR REVIEW

11/06 View road petitioned for closure - 9:00

11/11 Holiday - County offices closed

COMMISSION REPORTS

SRS/PILT CONFERENCE CALL

Commissioner Lythgoe reported that he and Carolyn took part in a conference call on the 3rd. The call was regarding SRS and PILT. Everyone is fairly confused as to the effect that using the Title I and III monies has on PILT. They are going to get back to us on that. There were a lot of counties involved on the conference call. FY2008, we are authorized to get a little over \$1 million in PILT and we have only received just over \$600,000, so we will be getting another \$350,000 this fiscal year. Even though the PILT amount goes down over the next four years, the lowest amount will still be more than we have gotten in the past. We will have to form our own RAC or join a RAC to use Title II monies. The rules for Title III have changed as well. The

bottom line for the Road Department is that whereas they have gotten \$100,000 in the past, will be getting \$300,000. It will be his suggestion that we take back some of the PILT that has been authorized and replenish PILT and use the forest funds to fund Road Department.

Commissioner Notbohm asked how long we have to set up the RAC. Commissioner Lythgoe stated that we have 4 years; the life of the funding.

FOREST SERVICE ROADS

Commissioner Weber reported that he went on a tour with Melissa looking at roads and trails slated to be closed by the Forest Service. They were trying to establish comments that we would make and to find out if it is worth us appealing their decision. At the same time, an e-mail came in stating that they are pulling their record of decision off the table to do some adjustments. They asked that someone come meet with us to discuss our concerns and why we are appealing. They met with Terry Sexton on Monday regarding those things that we were going to appeal. The Forest Service is not coordinating their efforts with the local government bodies, they are not taking proper comment on travel management decisions that they are making right now, as well as the fact that some of the roads and trails that they are closing might impact some of the property we own up on the east ridge between Jefferson and Silver Bow Counties and some of the trails up the Little Boulder the local governing agency has identified as tourist gathering spots. Terry told them that the record of decision has been pulled because of wordage of how they defined roadless areas. They plan to re-issue record this week, which would start a 45-day comment period. We will continue to work on an appeal and Terry asked that they make any appeals very specific.

MONTANA TUNNELS

Commissioner Lythgoe stated that Montana Tunnels has gotten both permits, from DEQ and BLM. They are ready to go on the expansion; they still need to raise \$70 million for second phase.

CORRESPONDENCE

The Commission received a thank you card from Richard and DeDe Rhodes, thanking the county for fixing their road.

The Commission received a letter from the Safety Committee with a recommendation that the damaged sidewalk in front of new Commission office be either blocked off or taken out until it can be fixed. Commissioner Weber stated that this should be agendaized. Commissioner Lythgoe noted that this is an administrative issue. Commissioner Weber asked who is in charge of the sidewalks in the City of Boulder. Dave Kirsch stated that it would be the City and the Commission should call the mayor. They had a similar situation at the hardware store and each paid for part. He noted that it might be different on that road, as Centennial is a state road. Commissioner Weber asked that a copy of the letter be forwarded to the City of Boulder and to MDT, along with a letter asking their intentions, and requesting a response.

ITEMS FOR COMMISSIONERS ACTION OR REVIEW

RICHARD AND DEDE RHODES – MAINTENANCE CONCERNS ON BOULDER CHIEF ROAD

Commissioner Weber stated that as the road has been repaired, the Rhodes did not feel it necessary to attend the meeting. Joe stated that the Road Department did respond to the request for maintenance last Thursday and he went back up today to check out the road. Fred did a good job on fixing up the road. Joe stated that he wants to keep the road as a level Z for maintenance; he doesn't want to increase the level on that road at all. Commissioner Weber asked Joe to send the Rhodes a copy of an encroachment permit, in case they want to do any plowing.

Commissioner Notbohm asked Joe if they had to put any material on the road. Joe stated that they didn't; Fred pulled the ditches and there was enough there to fix it. It was noted that this is a County road and the Forest Service is supposed to be maintaining. Commissioner Lythgoe asked if this is a County road, why the Forest Service is ticketing people for working on the road. He stated that he dealt with this quite a bit last year, and the Forest Service isn't allowing people to plow the road. Commissioner Weber stated that he isn't sure, but it is a petitioned-for County road from way, way back. Commissioner Lythgoe stated that there were a couple people up there that wanted to plow the snow so that they could get out to go to work, but they kept getting ticketed. He met with Terry about this also.

Commissioner Weber stated that the last agreement between the Forest Service and the County expired in 2004, and he has talked to Terry about this. Commissioner Notbohm stated that obviously, we are still operating under the 2004 agreement. Commissioner Weber said that he told Terry verbally in their meeting on Monday that we need to sit down and discuss this. He will keep Joe in the loop on this.

DISCUSS AND DECIDE ON MOVING COMMISSION MEETING DAY TO THURSDAY

Commissioner Weber stated that this was a request from Greg Corr of the *Whitehall Ledger*, due to the paper deadlines. Because of the deadlines, Greg can't make it to Boulder to cover the meetings, but he is getting numerous requests to cover the Commission meetings. Commissioner Weber stated that this is difficult, because many of the meetings that the Commissioners attend are held on Thursdays. He is torn because of this; he very much wants coverage from the *Ledger*.

Commissioner Lythgoe stated that he has the same problem. He looked at his calendar, and two of the meetings he attends on the second Thursday of the month have 20 to 25 people including board members and agency representatives. Commissioner Notbohm stated that we have been through this before; there are just too many people involved in these other meetings to make the change. He stated that Greg needs to get a reporter to cover the meetings. Commissioner Weber stated that it is almost inconceivable to him to change the meeting day to Thursday, even though it is important that the *Whitehall Ledger* be at the meetings. Commissioner Lythgoe stated that it was suggested that we web-cam the meetings. Commissioner Weber stated that he will talk to Carl about this.

Commissioner Lythgoe moved not to move the meeting to Thursday, but to leave it on Tuesday. Commissioner Weber seconded. The motion carried.

RESOLUTION 42-2008 CANCEL UNCALLED FOR WARRANTS

Commissioner Weber read the resolution as followed:

RESOLUTION 42-2008

ORDERING CANCELLATION OF UNCALLED FOR WARRANTS

WHEREAS, §7-6-2607, MCA, requires the board to cause to be canceled all county warrants that have remained uncalled for one year or more in the County Treasurer's office; and

WHEREAS, the Board of County Commissioners has received a list of uncalled for warrants from the Clerk and Recorder;

NOW, THEREFORE, BE IT RESOLVED that the following warrants be canceled:

Warrant #	To Whom Issued	Date of Issuance	Amount
93141	John Babcock	7/27/2005	\$25.00
93219	Ronald Alsager	4/11/2006	\$20.01

DATED this 5th day of November, 2008.

ATTEST:

BONNIE RAMEY
CLERK AND RECORDER

KEN WEBER, CHAIR

TOMAS E. LYTHGOE, COMMISSIONER

CHUCK NOTBOHM, COMMISSIONER

Commissioner Weber moved to adopt the resolution. Commissioner Lythgoe seconded. The motion carried.

RESOLUTION 43-2008 DISTRIBUTION OF METALLIFEROUS MINES LICENSE TAX
Commissioner Weber read the resolution as followed:

RESOLUTION 43-2008

DISTRIBUTION OF METALLIFEROUS MINES LICENSE TAX

WHEREAS, §15-37-117, MCA, requires that twenty-five percent (25%) of metalliferous mines license taxes, collected by the State under the authority of Title 15, Chapter 37, Part 1, MCA, be distributed to the county in which the mine is located; and

WHEREAS, § 15-37-117, MCA, requires the County Commissioners of such county to allocate those sums received by them, from said metalliferous mines license taxes collected by the State, as follows:

(1) Not less than forty percent (40%) to the County Hard Rock Mine Trust Reserve Account established under § 7-6-2225, MCA; and

(2) All money, not allocated to the said County Hard Rock Mine Trust Reserve Account, is to be allocated as follows:

(a) 33⅓% to the County Metal Mines Tax Reserve Account for planning or economic development activities;

(b) 33⅓% to the elementary school districts Metal Mines Tax Reserve Account, within the County, that have been affected by the development or operation of the metal mines; and,

(c) 33⅓% to the high school districts Metal Mines Tax Reserve Account within the County that have been affected by the development or operation of the metal mine; and

WHEREAS, there are several metalliferous mines located within the boundaries of Jefferson County; and

WHEREAS, Jefferson County government has recently received \$495,884.26 as its share of such metalliferous mines license taxes collected from the metalliferous mines within Jefferson County,

NOW, THEREFORE, BE IT RESOLVED by the Jefferson County Board of Commissioners as follows:

1. That forty percent (40%) of such total sum of \$495,884.26 shall be allocated to and placed in, the County Hard Rock Mine Trust Reserve Fund 2895 established under § 7-6-2225, MCA.

2. That all such sums, held in the above-referenced Hard Rock Mine Trust Reserve Fund and/or above-numbered fund(s) on behalf of the above-named school districts and Jefferson County, shall remain in such account and shall be properly accounted for under the appropriate fund number or numbers established for the same. Further, such sums shall be appropriated by the governing body of Jefferson County, and/or distributed thereby, only in accordance with the provision of § 7-6-2226, MCA.

3. That sixty percent (60%) of such total sum of \$495,884.26 shall be allocated to, and placed in, the County Metal Mines Tax Reserve Account established under § 7-6-2226, MCA.

4. That one-third ($\frac{1}{3}$) of the said sixty percent (60%) placed in the County Metal Mines Tax Reserve Account pursuant to the preceding Paragraph No. 3 shall be placed in Economic Development and Planning Account No. 2320. Such sums to be paid to said account (totaling at this time, the sum of \$99,176.85) shall only be used for planning or economic development activities.

5. That one-third ($\frac{1}{3}$) of the said sixty percent (60%), placed in the County Metal Mines Tax Reserve Account pursuant to the above Paragraph No. 3, shall be allocated and appropriated to the benefit of the following elementary school districts, affected by the development or operation of the several metal mines, or a pro-rata basis determined from the license taxes collected from the mine or mines within each such school district:

(i) To the Cardwell Elementary School District No. 16, the total sum of \$31,211.68 to be placed in said School District's Account No. 7716;

(ii) To the Whitehall Elementary School District No. 4-47, the total sum of \$31,211.68 to be placed in said School District's Account No. 7713;

(iii) To the Clancy Elementary School District No. 1, the total sum of \$12,251.17 to be placed in said School District's Account No. 7712;

(iv) To the Boulder Elementary School District No. 7, the total sum of \$12,251.17 to be placed in said School District's Account No. 7715;

(v) To the Basin Elementary School District No. 5, the total sum of \$12,251.16 to be

placed in said School District's Account No. 7714;

6. That one-third ($\frac{1}{3}$) of the said sixty percent (60%), placed in the County Metal Mines Tax Reserve Account pursuant to the above Paragraph No. 3, shall be allocated and appropriated to the benefit of the following high school districts, affected by the development or operation of the several metal mines, on a pro-rata basis determined from the license taxes collected from the mine or mines within each such school district:

(i) To the Whitehall High School District No. 2, the total sum of \$62,423.35 to be placed in said School District's Account No. 7762;

(ii) To the Boulder High School District No 1, the total sum of \$36,753.50 to be placed in said School District's Account No. 7761.

DATED this 5th day of November, 2008.

Commissioner Weber moved to adopt the resolution. Commissioner Lythgoe seconded for discussion. Commissioner Lythgoe stated that as he remembers, Basin did not get an equal share of the distribution, but there was a formula agreed upon by a committee made up of representatives from all schools. Commissioner Weber stated that it was a different account. Commissioner Lythgoe stated that Basin and Boulder never received any money in the past. We need to check into this.

Commissioner Weber stated that the motion on the floor to pass; if we want to do more research, it would be best not to pass. Commissioner Notbohm stated that due to the circumstances and the amount, he would vote to pass. Commissioner Lythgoe and Commissioner Weber voted nay. The motion failed. The resolution will be put on a future agenda, and this will be researched.

Commissioner Lythgoe moved to adjourn. Commissioner Notbohm seconded. the motion carried.

MEETING ADJOURNED

ATTEST:

BONNIE RAMEY
CLERK AND RECORDER

KEN WEBER, CHAIR

TOMAS E. LYTHGOE, COMMISSIONER

CHUCK NOTBOHM, COMMISSIONER